



Board of County Commissioners
Zoning Meeting
April 23, 2015

Prepared by: Nelson Diaz

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
		A	<u>HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.</u> <u>14-7-CZ14-1 (14-003)</u>
1	04/23/2015	A-1	Declaration of Restrictions submitted by Holland & Knight, LLP
		B	<u>MANUEL J. MENENDEZ TRUST 14-7-C12-1 (13-077)</u>
2	04/23/2015	B-1	Booklet containing a copy of the proposed covenant, report from Guillermo Olmendillo and a copy of a letter in support from the Ludlum Post Office.
3	04/23/2015	B-2	Report: Miami-Dade Police Department All Calls Dispatched by Police Grid Between Jan. 1, 2013 and August 25, 2014
4	04/23/2015	B-3	Petition signatures of residents in opposition to the proposed application
5	04/23/2015	B-4	Petition signatures of residents in support of the proposed application
6	04/23/2015	B-5	Petition signatures of residents in opposition to the proposed application with maps attached.
7	04/23/2015	B-6	Sets of different maps of the area with language in opposition to the proposed application

The foregoing exhibits were submitted for the record on April 23, 2015 and transferred to the care, custody, and control of the Department of Regulatory and Economic Resources/Planning & Zoning on June 1, 2015.

ATTEST:



HARVEY RUVIN, Clerk of Courts
Clerk of Circuit and County Courts
Miami-Dade County, Florida

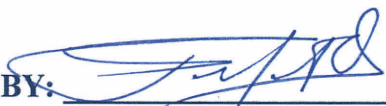
Deputy Clerk

RECEIVED BY:

(SIGN)

(PRINT)

(DATE)

 Frank L. G. Tien 6/1/15

Item A

This instrument was prepared by:
Name: Alan S. Krischer, Esq.
Address: Holland & Knight, LLP
701 Brickell Avenue, Suite 3300
Miami, FL 33131

RECEIVED
By the Clerk of the County of Miami-Dade

APR 28 2015

A-1
Recording 200-201116
(14-003)

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned owners, **HELEN MICHAEL and PREFERRED ENTERPRISES, INC.**, a Florida corporation (the "Owners"), hold the fee simple title to that certain 20.00 ± acre parcel of land in Miami-Dade County, Florida (the "County"), located on the north side of SW 278th Street between SW 159th Avenue and SW 162nd Avenue (the "Property"), which is legally described in Exhibit "A" to this Declaration;

WHEREAS, the Owners have submitted to the County Public Hearing No. Z2014000003 (the "Application") seeking a district boundary change from GU to EU-M.

IN ORDER TO ASSURE the County that the representations made by the Owners during consideration of the Application will be abided by, the Owners freely, voluntarily and without duress make the following Declaration of Restrictions (the "Declaration") covering and running with the Property:

1. Density Restriction. Notwithstanding the approval of the Application, and the applicable Code requirements, the residential density of the Property shall be restricted to a maximum of thirty-six (36) dwelling units.
2. Size Restriction. Notwithstanding the approval of the Application, and the applicable Code requirements, the minimum gross lot size for dwelling units shall be twenty-five thousand (25,000) square feet.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and shall be recorded, at Owners' expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change this Declaration in whole, or in part, provided that the Declaration has first been modified or released by the County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of all of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall

not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with the applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, until such time as this Declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

Owners. The term "Owners" shall include the Owners, and their heirs, successors and assigns.

[SIGNATURE PAGE(S) FOLLOW]

Signed, sealed and acknowledged on this 17th day of April, ~~2014~~ 2015 MR

WITNESSES

HELEN MICHAEL

Jaclyn Sueveg
Signature
Jaclyn Sueveg
Printed Name

Helen Michael

Courtney Peters
Signature
Courtney Peters
Printed Name

ACKNOWLEDGED BEFORE ME, this 17th day of April, ~~2014~~ 2015 MR, by Helen Michael who is personally known to me or who has produced _____ as identification.

Melissa Scruggs
NOTARY PUBLIC
Melissa Scruggs
Printed Name

My Commission Expires: 6/28/15

MELISSA SCRUGGS
Notary Public- State of Florida
Commission # EE107792
My Commission Expires June 28, 2015

Signed, sealed and acknowledged on this 17th day of April, ~~2014~~ 2015 (ms)

WITNESSES

[Signature]
Signature
Jaclyn Suvieg
Printed Name

[Signature]
Signature
Courtney Peters
Printed Name

Preferred Enterprises, Inc.
a Florida Corporation
[Signature]
Paul Michael, President

ACKNOWLEDGED BEFORE ME, this 17th day of April, ~~2014~~ 2015 (ms), by Paul Michael, President of Preferred Enterprises, Inc., a Florida Corporation who is personally known to me or who has produced [Signature] as identification.

[Signature]
NOTARY PUBLIC
Melissa Scruggs
Printed Name

My Commission Expires: 6/28/15

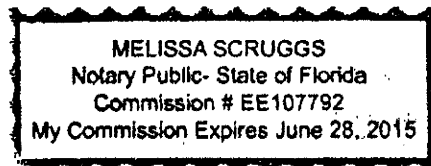


EXHIBIT "A"

LEGAL DESCRIPTION:

THAT PORTION OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 56 SOUTH, RANGE 39 EAST, SAID LAND LYING AND BEING IN MIAMI-DADE COUNTY, THAT LIES WITHIN THE PLAT "M.A. BURDEN'S SUBDIVISION" RECORDED IN PLAT BOOK 1 AT PAGE 136, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

JOINDER BY MORTGAGEE

The undersigned, Donald L. Bernecker or Paul W. Michael, as Trustees of the Robert G. Bernecker Irrevocable 2001 Trust and Mortgagees under that certain Mortgage from Helen Michael and Preferred Enterprises, Inc., a Florida corporation and recorded in Official Records Book 24008, Page 1275, in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions, do hereby consent to the execution of this Declaration of Restrictions by Helen Michael and Preferred Enterprises, Inc., a Florida corporation and agree that in the event Mortgagees or any other party shall obtain title to the property through foreclosure or deed-in-lieu of foreclosure, this Declaration of Restrictions shall be binding upon the entity obtaining title as the then owner of such property.

IN WITNESS WHEREOF, these presents have been executed this 21 day of April, 2015.

WITNESSES:

Heather Cash
Print or Type Name

Charlie Wang
Print or Type Name

Robert G. Bernecker Irrevocable 2001 Trust

By: [Signature]

Print Name: Paul W. Michael, as Trustee

Address: 1849 W. Dunnell Rd
Mantoloking FL 32344

(Corporate Seal)

STATE OF FLORIDA)

) SS

COUNTY OF Leon)

The foregoing instrument was acknowledged before me this 21 day of April, 2015 by Paul W. Michael, as Trustee, who is personally known to me or has produced a _____, as identification and did/did not take an oath.

[Signature]
Notary Public - State of Florida
Print Name Susan Eisenman
My Commission Expires: March 12, 2018

